

MEMORANDUM

OCTOBER 15, 1981

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: PROPOSED ZONING TEXT AMENDMENT RELATING TO
MEDICAL INSTITUTIONS ZONING CHANGE

The Chinese Consolidated Benevolent Association has petitioned the Zoning Commission to amend the Zoning Code to make medical institutions and accessory clinics, laboratories and medical offices conditional where now allowed. In these areas, the City cannot control the expansion of the medical institutions and prevent their haphazard acquisition and development plans from negatively impacting residential and commercial activity and from removing additional property from the City's tax base.

In 1970 the Zoning Code was amended to make colleges, universities, trade and professional schools and dormitory and other uses accessory to educational uses conditional or forbidden on a city-wide basis. The purpose was to protect residential areas from being overwhelmed by institutional expansion, to get some control over the proliferation of tax-exempt uses, and to provide for community and Authority review of possible negative impacts on traffic and parking, infringement on the housing supply and overloading of community facilities.

The initiative for the CCBA's petition is the recent expansion of Tufts New England Medical Center which had not been indicated in its Masterplan on file with this Authority. However, this is an issue of serious concern city-wide, particularly in the Fenway Medical Area, South End, Brighton and Dorchester, where medical institutions are actively working to expand their land and building base to accomodate their future space needs. While the Authority is working closely with several medical institutions in review and development of their Masterplans, the institutions' cooperation is elective.

The CCBA's petition is not intended to jeopardize institutional plans that are either in the process of being reviewed for Determination of Need approval by the State Department of Public Health, or within urban renewal area (U) overlay districts or in planned development area (D) overlay districts. Similarly, minor building program expansions are exempted from this amendment.

The Authority's staff is very supportive of the need to more closely regulate the growth of medical institutions in Boston so that they do not negatively impact our residential and commercial uses, and their expansion does not further erode our tax base. It is recommended, therefore, that the Authority co-sponsor with the Chinese Consolidated Benevolent Association, the petition to amend the Zoning Code to make medical institutions conditional in the dense residential zones and all business zones in the City, and recommend the Zoning Commission to adopt the proposed amendment.

An appropriate vote follows:

VOTED: That the Boston Redevelopment Authority hereby authorizes the Director to cosponsor, with the Chinese Consolidated Benevolent Association, Text Amendment Application No. 85 (which is attached hereto). The purpose is to give the City some control over possible negative impacts of institutional expansion on the housing stock, traffic and parking, community facilities and the tax base of the City. The Authority recommends that the Zoning Commission adopt the proposed amendment.

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

The Chinese Consolidated Benevolent Association of New England, owner of property at 14 Oxford Street and other locations, and the Boston Redevelopment Authority hereby jointly petition for changes in the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

1. By striking out Use Item No. 20 of Table A of Section 8-7, respecting a library or museum not conducted for profit, and inserting in place thereof the following use items and footnote:
 - 20 Library or museum not conducted for profit and not accessory to a use listed under Use Item No. 16A, 18, 22, 23 or 24.....AAA/AA/AAC
 - 20A Library or museum not conducted for profit, and accessory to a use listed under Use Item No. 16A, 18, 22, 23 or 24, whether or not on the same lot.....C*C*C*/C*C*/C*C*C*

* Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item No. 22 is met.
2. By striking out Use Item No. 22 of said Table A and inserting in place thereof the following use items:
 - 22 Hospital or sanatorium not providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons; clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot...FFC*/C*C*/FFF

* Except A provided that (1) the land or structure occupied by such use is located in an urban renewal area (U) overlay district or planned development area (D) overlay district as those areas are defined in Section 3-1A; or (2) such use is the subject of an application for determination of need filed on or before (the date of public notice of hearing for this amendment) with the Department of Public Health of the Commonwealth under Section 25C of Chapter 111 of the General Laws, and such application, as it may be amended or modified, has been granted either prior or subsequent (to the date public notice of hearing for this amendment); or (3) an extension of a pre-existing structure contains no more than 2,500 square feet.

of gross floor area or a free standing building contains no more than 500 square feet of gross floor area and, in either case, occupies land in medical institutional use prior to (the date public notice of hearing for this amendment); or (4) such use will occupy interior space being used by the same institution for Use Item No. 20A, 22, 24, 29, 77 or 79 at the time such change is proposed.

3. By striking out Use Item No. 24 of said Table A, and inserting in place thereof the following use item:

24 Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Item No. 16, 16A, 18, 22, or 23, whether or not on the same lot, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible without instruments more than fifty feet from the lot or any part of the lot.....FFC*/C*C*/C*C*C*

* Except A if accessory to Use Item No. 16 and also A if accessory to Use Item No. 22 and at least one of the provisos in the footnote of Use Item No. 22 is met.

4. By striking out Use Item No. 77 respecting the keeping of laboratory animals incidental to an educational or medical institutional use, and inserting in place thereof the following use item:

77 As an accessory use subject to the limitations and restrictions of Article 10, the keeping of laboratory animals incidental to an educational or institutional use, provided that all resulting noise, dust, fumes, gases, odors and refuse matter are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety.....FCC*/C*C*/CCC

* Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item No. 22 is met.

5. By striking out, in Use Item No. 79 of said Table A respecting incidental accessory uses and services ordinarily found in connection with hospitals and educational institutions, for patients and staff or students and faculty, the letters CCA*/AA/FFF and inserting in place thereof the following letters and footnote:

CCC*/C*C*/FFF

* Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item No. 22 is met.

and by striking out the footnote "Except C in H-2-65 and H-3-65, etc." as inserted in October 19, 1978 and amended on October 31, 1980.

6. By striking out the last sentence of Section 8-6 and inserting in place thereof the following sentence:

Any application for a change in use or an increase in the area devoted to such use shall be subject to the provisions of Article 6, but no conditional use permit shall be required for the replacement of gross floor area lost by fire or other casualty.

7. By inserting into Section 23-3 respecting off-street parking requirements for institutional uses, in proper numerical order, the following numbers:

20A
77

8. By inserting into the enumeration of Group II Uses in Section 24-1, respecting off-street loading requirements, in the proper numerical order, the following number:

20A

Petitioner: _____	Petitioner: <u>Chinese Consolidated Benevolent Association of New England</u>
By: _____	By: _____
Address: _____	Address: <u>14 Oxford Street</u>
_____	<u>Boston, Massachusetts 02111</u>
Tel. No.: _____	Tel. No.: <u>542-2574</u>
Date: _____	Date: _____

From Section 5-4 of Boston Zoning Code as amended August 18, 1980:

"The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as one hundred and fifty dollars."

